



Nepal

International Religious Freedom Report 2008

Released by the Bureau of Democracy, Human Rights, and Labor

The interim Constitution, promulgated on January 15, 2007, provides for freedom of religion; however, the interim Constitution also specifically prohibits proselytizing.

The interim Government took few steps with respect to religious freedom during the period covered by this report, although government policy contributed to the generally free practice of religion. The Government generally did not interfere with the practice of religious groups, and religious tolerance was broadly observed; however, there were some restrictions. The interim Parliament, through the interim Constitution, officially declared the country a secular state in January 2007; however, the Prime Minister, in his dual capacity as head of government and head of state, attended major Hindu religious ceremonies previously presided over by the King. No laws specifically affecting freedom of religion were amended. Members of minority religious groups occasionally reported police harassment. Authorities limited the location of and otherwise restricted many public celebrations by the Tibetan community, especially those with political overtones.

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship, although there were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Those who converted to a different religious group occasionally faced violence and were ostracized socially, but generally did not fear admitting their affiliations in public.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintains regular contact with Hindu, Buddhist, Muslim, Christian, Jewish, and other religious groups.

Section I. Religious Demography

The country has an area of 54,363 square miles and a population of 28 million. Hindus constitute approximately 81 percent of the population; Buddhists 11 percent, Muslims the majority Sunni 4.2 percent, and practitioners of Kirant (an indigenous animist religion) and others 4 percent. Christian leaders conservatively estimated the number of their adherents at more than 800,000 (3 percent). The National Churches Fellowship of Nepal reported that there are almost 300 Christian churches operating in the Kathmandu valley alone. According to a Jamme Masjid official, there are at least 3,500 madrassahs. Twenty thousand Tibetan Buddhists are officially registered as refugees.

Section II. Status of Religious Freedom

Legal/Policy Framework

The interim Constitution provides for freedom of religion and permits the religious practices of all groups; however, proselytizing is explicitly prohibited. The interim Parliament declared the country a secular state in the interim Constitution in January 2007.

The interim Constitution maintains the stipulation from the 1990 constitution that no one can be discriminated against based on caste. In 2002 the previous government constituted a National Dalit Commission charged with protecting and promoting Dalit (formerly called "untouchable") rights and ensuring active participation of the Dalit community in the development of the country. The Ministry of Local Development allocates money to

the National Dalit Commission to cover daily administrative costs and to launch programs in the 75 districts. The Commission has branches in all districts. In each district a Local Development Officer chairs the meeting of the Commission. The Commission also coordinates with local nongovernmental organizations (NGOs) involved in Dalit issues. The Commission submits an annual progress report to the Local Development Ministry. Despite the Commission's awareness programs, much work remains to be done to improve the situation of Dalits. Dalits continued to face discrimination and were often prevented from performing their religious duties or participating in cultural and religious festivals.

There are no specific laws favoring the Hindu majority, nor does the interim Government control the expression of Hinduism.

Although there are no registration requirements for religious groups, there are registration requirements for NGOs. Christian, Muslim, and Jewish religious organizations claimed that, unless registered, such organizations were prevented from owning land, an important step for establishing churches, mosques, synagogues, or burial sites. An organization that provides religious services and kosher foods to Jewish adherents (generally tourists) complained that it was not able to register as a religious organization.

Proselytizing is illegal. There are officially no foreign missionaries; however, for decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated. These organizations did not proselytize, and otherwise operated freely. Missionary schools were among the most respected institutions of secondary education; many members of the governing and business elite graduated from Jesuit high schools. Foreign workers in the missionary hospitals and schools entered the country with visas designating them as technical workers for local or international NGOs sponsoring the hospitals and schools. The interim Government enforced the immigration laws: if foreign workers were found proselytizing, they were expelled. There were no expulsions during the reporting period. Many foreign Christian organizations had direct ties to local churches and sponsored pastors for religious training abroad.

Some holy days, most of them Hindu, are recognized as national holidays. These are Mahashivaratri, Buddha Jayanti, Falgun Purnima, Krishna Asthami, Dasain, and Tihar. On December 28, 2007, the interim Government added six additional festivals to the list of official holidays. The new publicly recognized holidays include Lhosar (a Buddhist new year celebration observed on different dates by the Gurung and Tamang/Sherpa communities), Christmas, Eid (Eid-al-Fitr), Maghi (a Hindu festival celebrated by the Tharu community), Chhath (a Hindu festival celebrated by the Maithili community), and Ughauli (a Kirant ethnic/religious festival celebrated by the Rai and Limbu communities).

Although public schools do not teach religious beliefs, most have a statue of Saraswati, the Hindu goddess of learning, on their grounds. Some begin the day with a Hindu prayer to the goddess.

The interim Government has no formal policy on interfaith understanding. A local NGO, the Interreligious Council of Nepal, consisting of representatives of the Hindu, Buddhist, Muslim, Christian, and Baha'i communities, is active in promoting peace in the country.

Restrictions on Religious Freedom

Tibetan Buddhists faced various restrictions on their religious celebrations. Local authorities generally restricted celebration of Tibetan religious festivals to private property. In contrast with previous years, police in Kathmandu did not prohibit Tibetan Buddhists celebrating the Tibetan New Year from carrying a picture of the Dalai Lama around an important temple as part of their religious ceremonies. The Government restricted all other nonreligious local Tibetan celebrations (Tibetan New Year and the Dalai Lama's birthday) to private property. During the reporting period, the Supreme Court upheld the Government's revocation of registration of a welfare office to look after Tibetan refugees and continued to prevent the re-registration of an office to represent the Dalai Lama.

Protests with a combined religious, political, and social context began on the March 10 anniversary of the 1959 Lhasa uprising, with brief pauses to not interfere with the conduct of the Constituent Assembly election on April 10, 2008 and to acknowledge the tragedy of the May 12, 2008 earthquake in Sichuan, China. Protests were ongoing at the end of the reporting period; several dozen protestors were injured. Additional refugees

were prevented from entering the country at the border, which was closed by China at the start of the protests.

Tibetans who arrived or were born after December 31, 1989 do not have legal status. They are therefore vulnerable to implicit threats of deportation. Business entrepreneurs periodically face intimidation or extortion threats.

The law prohibits proselytizing, which is punishable by fines, imprisonment, or, for foreigners, expulsion. Personal conversion is, however, allowed. Some Christian and Muslim groups were concerned that the ban on proselytism limited the expression of non-Hindu religious belief. NGOs or individuals were allowed to file reports that individuals or organizations were proselytizing, and the Government investigated these reports.

Madrassahs, but not mosques, were required to register with local district administration offices (part of the Home Ministry) and supply information about their funding sources to operate; they received no government funding. Some Muslim leaders criticized the policy as discriminatory; however, in practice the registration requirement has not been enforced. According to the Department of Education, 851 madrassahs have been legally registered with the District Education Offices (DEOs), and the DEOs have been providing a minimum of financial support annually to them. Depending on the number of students the financial support ranged from \$188 (12,000 Nepali Rupees) to \$1,153 (73,800 Nepali Rupees). The Department also prepared curricula for the registered madrassahs. Muslims were not restricted from participating in the Hajj; the Government did not subsidize the pilgrimage.

The Constitution prohibits discrimination on the basis of caste; however, the caste system strongly influences society. While the Government has stressed that caste-based discrimination is illegal and temple access for "lower castes" has improved in some areas, caste discrimination was frequently practiced at Hindu temples, where Dalits were forbidden from entering by some Hindu priests.

On March 4, 2008, the Chief District Officer (CDO) of Parsa District resolved a dispute in Bagahi between Dalits and non-Dalits over the Dalits' right to participate in Bishnu Mahayagya, a Hindu religious festival. The organizing committee decided to bar Dalits from entering the main festival site or in participating central aspects of the festival. After Dalits filed a complaint seeking punishment of the committee members, the CDO negotiated a six-point agreement that permitted Dalit participation.

On February 11, 2008, Sanjaya Kumar Ram, a Dalit ninth grader at Janta Secondary School in Diman Village Development Committee in Saptari District, was barred from participating in the festival celebrating Saraswati. Local Dalit parents staged a protest against such discrimination. In front of the protestors, the school principal admitted that discrimination might have occurred in the past, but he claimed that the school now treated all students equally.

There were no restrictions on the sale or possession of religious literature.

Civil servants were permitted to take religious holidays off and celebrate them on private property without government interference.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Persecution by Terrorist Organizations

The Communist Party of Nepal (Maoist) is a designated terrorist organization on the U.S. Government's "Terrorist Exclusion List" of the Immigration and Nationality Act and under Executive Order 13224.

During most of the reporting period, Maoist ministers headed five ministries in the Government, including the Ministry of Women, Children, and Social Welfare, which controls registration of NGOs, and the Ministry of Local Development, which controls development activities. At the end of the reporting period, the Maoists became the largest party in the newly elected Constituent Assembly.

In contrast with previous years, there were no reported incidents of Maoists restricting religious freedom in the country.

On March 29, 2008, a mosque in Biratnagar, Morang District, was bombed, killing two and critically injuring two others. Many presumed that the bombing was intended to inflame religious and communal tension in the run-up to the Constituent Assembly election. The Nepal Defense Army (a Hindu fundamentalist group allegedly linked to the King) claimed responsibility, but the investigation was ongoing and no arrests had been made at the end of the reporting period.

On September 17, 2007, a wave of communal violence in Kapilbastu District was set off by the killing of Congress activist and former vigilante leader Mohit Khan. One mosque was burned, and 14 persons were killed. Allegations that Maoist activists were responsible for the violence were being investigated at the end of the reporting period.

Section III. Societal Abuses and Discrimination

Adherents of the country's many religious groups generally coexisted peacefully and respected places of worship. Hindus generally respected the many Buddhist shrines located throughout the country; Buddhists accorded Hindu shrines the same respect. Buddha's birthplace at Lumbini, in the southern part of the country, is an important pilgrimage site, and his birthday is a national holiday.

Some Christian groups reported that Hindu extremism increased in recent years, especially since the 2006 Parliamentary declaration of the country as a "secular state" instead of a "Hindu Kingdom." Of particular concern were the local affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena. This group was accused of playing a role in the violence during the period covered by this report in the Terai, the southern area of the country along the border with India. Another Hindu fundamentalist organization, Ranbir Sena, set off small socket bombs twice during the reporting period. The first was outside the Maoist party headquarters; the second was at a park in downtown Kathmandu, located outside the International Convention Center, on the day the Constituent Assembly met there to formally declare the country a republic.

Some citizens were wary of proselytizing and conversion by Christians and viewed the growth of Christianity with concern.

Those who chose to convert to other religious groups, in particular Hindu citizens who converted to Islam or Christianity, were sometimes ostracized. They occasionally faced isolated incidents of hostility or discrimination from Hindu extremist groups. Some reportedly were forced to leave their villages. While this prejudice was not systematic, it was occasionally violent. Nevertheless, converts generally were not afraid to publicly state their new religious affiliations.

Although it is prohibited by the Constitution, the caste system has deep historical roots in Hinduism and continued to strongly influence society. Societal discrimination against members of lower castes including Dalits remained widespread despite the Government's efforts to protect the rights of disadvantaged castes. Lower castes experienced discrimination in many other areas, including education, employment, and marriage. Other religious communities did not practice caste discrimination. Entrance into many Hindu temples was often restricted for persons not of South Asian ethnicity, who are unlikely to be Hindu.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintained contact with Hindu, Buddhist, Muslim, Christian, Jewish, and other religious groups. The Embassy closely monitored religious freedom and raised the issue with the

Government when appropriate. The Embassy also protested the Government's disproportionate response to peaceful protests by Tibetan Buddhists.

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